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March 2nd 1876
S P E E C H

HON. G. ^{George} W. HUGHES, OF MD.,

ON
THE STATE OF THE UNION,

DELIVERED IN THE
HOUSE OF REPRESENTATIVES, FEBRUARY 5, 1861.

The House having under consideration the report from the select committee of thirty-three—

Mr. HUGHES said :

Mr. SPEAKER : We are in "the midst of a revolution as yet, thank God, bloodless." How long it may continue peaceful will depend, in no small degree, upon the wisdom, patriotism, and moderation of this House. We are here, however humble and unimportant many of us may be—as all of us are in comparison with the great events now transpiring—enacting history, with the world for an audience; and depend upon it that, not only our cotemporaries, but posterity, will hold each and every one of us to a fearful accountability.

The torch of civil discord flares balefully and malignantly over a distracted land; States are separating from the Confederacy; men are organizing and arming in every part of this Union, and the unusual sounds of war are heard in every peaceful glen; and yet nothing is done to avert the impending calamity, which threatens to become the greatest that has ever befallen the human race. Day by day we sit in this Hall, passing the ordinary appropriations for the support of Government, and squabbling over unimportant amendments, giving away, with lavish hands, our vast domain of public lands, and, with a bankrupt Treasury, incurring debts to the amount of hundreds of millions of dollars, as if peace and tranquillity and prosperity reigned supreme within our borders.

It would be an easy task now—easier some weeks ago—to compose existing difficulties; but even as it is, I much fear, paradoxical as it may seem, that it is nearly impossible. It would be an easy task if the members of this House would bring to its performance self-abnegation, sound sense, and calm reflection, divested of prejudice and of passion. It is only necessary that they should do that which is right, and avoid that which is wrong; that they should act under a sense of the high responsibility devolved upon them as the Representatives of the people. In a word, that we should all of us conscientiously discharge our duty. It was well and eloquently said, on a memorable occasion, by our own great orator, "a sense of duty pursues us ever. If we take to ourselves the wings of the morning,

E440
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and dwell in the uttermost parts of the sea, duty performed or duty violated is still with us for our happiness or our misery. If we say the darkness shall cover us, in the darkness as in the light, our obligations are still with us. We cannot escape their power or fly from their presence."

When Admiral Lord Nelson was about to engage the allied fleet at Trafalgar, the signal flew from the mast head of his ship "England expects every man to do his *duty*;" and in response to that appeal, there rose from sea to sky one wide wild hurrah—the harbinger of victory. With how much more propriety may the appeal be made to the Representatives of the American people, in the hour of danger to come forward and do their duty; for never in the history of our country, in peace or in war, has she stood more in need of the best services of her sons; for never before have more important questions been agitated, and more serious consequences likely to flow. The problem to be solved is not less momentous than the preservation of the Union. The experiment is to be finally tried whether or not the people of this country are really capable of an intelligent self-government; whether we shall remain a great, a powerful, and a united people, or be shattered into fragments; whether peace and prosperity and order shall reign throughout the land, or "chaos come again." Upon the speeches and votes of the gentlemen on this floor these grave consequences may depend.

I much fear, sir, that we are fast drifting towards the verge of that fearful cataract beyond which lies inevitable destruction; which the sagacious mind of Washington apprehended, and against the approach to which he raised his warning voice. Should the plunge be taken, all is over. The history of free governments will be closed, never to be reopened. The cause of human rights and of human liberty will have perished forever. I express myself thus strongly because I am gloomily impressed with the future of our country, if the threatened disruption of our Government should not be arrested; or, if it must needs be dissolved into its original elements, a peaceable separation should not be affected. And I confess that I now have little hopes of either.

It has been said "that those whom the gods mean to destroy they first strike with judicial blindness, and then drive them mad." It is to be feared that we may offer a striking illustration of the truth of that saying in our own history. It may be that God, in His anger, is about visiting us with a just chastisement for sins committed or for duties unperformed! It may be that we have fallen short of our high mission, and have failed to accomplish our allotted destiny; that, while we enjoyed the inestimable blessings of our political system, we had forgotten that we held a precious trust for the benefit of posterity. This trust we can honorably discharge only by respecting the example of our fathers, and transmitting it unsullied to our descendants. We must inculcate in our children their glorious precepts; cherish their republican principles; imitate their simplicity and economy; and strengthen the institutions which they established. These institutions form a wise and safe system of government, to which we should adhere with a religious devotion. And above all, let us not forget that our national Constitution, under the shadow and protection of whose wing we have grown to be a mighty people, was the result of a mutual compromise of various and conflicting interests, feelings, and jealousies; and that it can be sustained only by the same sacrifices and compromises; by a steady adherence to the great and immutable principles of justice; and by preserving inviolate its conditions and guarantees.

It is not too much to say that the ingenuity of man could not possibly devise a form of government better adapted, in all its parts, to the geographical position of the States to each other, in reference of the whole to other nations, to our wants and

to our necessities. It presents the harmony and order of the solar system, in which each particular planet, keeping within its own prescribed limits, and moving within its own orbit, revolves around the common centre; nor can one "shoot madly from its sphere" without disturbing the equilibrium of all. By such an eccentric course on the part of a State, our whole confederate system might be destroyed. And where is the master spirit, where the creative mind, that could again call it back and restore it to its natural position? As well might we attempt to "provoke the silent dust" or expect true life from galvanizing a corpse!

Our Union, by leaving to each State the unrestricted regulation of its internal and domestic affairs, and admitting each to a fair participation in the power and honors of the General Government, is capable of *infinite expansion* without incurring the danger, on the one hand, of centralization, or on the other, of breaking asunder by the weight of its extremities. By this reasonable arrangement the centripetal and centrifugal forces of our political system are held in just equilibrium; and a perfect harmony of interest and action may thus be maintained between different members of the Confederacy, notwithstanding an occasional perturbation which may for a while exert its disturbing influences. The federation can as well embrace within its fraternal arms a hundred as thirteen States, and with each sovereign increment gain in dignity and power.

Before proceeding to a discussion of the remedies to be applied for the correction of the evils that surround us, it may be well to pause for a moment to ascertain the nature of the causes which have led to this perilous condition of our public affairs. When a man is ill, "sick, and nigh unto death," when there is not breath enough remaining in him to disturb a feather or to dim the bright surface of a mirror, the physician may yet cling to the hope that, by discovering and removing the cause of the disease, by skillful treatment, he may restore the patient (if his *constitution be unimpaired*) to his former health and vigor. When we see, as at present, almost universal disaffection pervading fifteen out of the thirty-three States of the Confederacy, whose people have been ever loyal to the Government, devoted to its political institutions, and proud of its wealth, its glory, and its power, who have shown their loyalty and devotion on a hundred fields of battle, consecrated by the best blood of their sons, from the Canadas to the halls of the Montezumas, and from the Atlantic to the Pacific ocean, it is worse than idle—it is mischievous—to pretend to believe that there is no real cause for this wide-spread discontent.

There are, no doubt, lawless men to be found in every portion of our country, as there have been in all times and all countries, of broken and desperate fortunes, ever ready for civil strife and revolution, impelled by the same motives that lead the incendiary to apply the torch to a building in the hope of snatching plunder from beneath the falling rafters, even at the peril of his own worthless life. But this cannot be said of the great mass of our countrymen, who are law-loving and law-abiding, and too intelligent not to know that their true interests lie in the cultivation of the arts of peace, in which they have been surpassed by no other people since the world began. It was said by Hobbs that "the natural state of man is a state of war of all against all;" but we rejected that infidel philosophy at the commencement of our Government. With us, war is but an episode, to be resorted to only as a last resort, whilst peace is our normal condition and established policy. One of the worst signs of the times is to see gathering around us, in full activity, the class of men to whom I have referred, as the ominous bird of ocean is seen only in storms, and finds her true element in tempests.

Mr. Speaker, it is my disposition to deal with all questions fairly and frankly.

The times are too momentous, the issues too important, the crisis too grave and imminent, to be treated otherwise than by an appeal to intelligence, to conscience, and to patriotism. It is neither my habit nor my taste to abuse individuals, much less bodies of men; for I desire to believe the masses of all parties are sincere, and that they are only carrying out their real convictions to their legitimate conclusions. But they may even be sometimes right in the abstract, and yet wrong in the concrete; and we know that honest prejudices are often made use of by designing demagogues to effect great private injuries and public wrongs. The gentle Isabella of Spain, whose womanly feelings revolted at the idea of cruelty in every form, was induced to believe that she was doing God's work when she introduced the accursed Inquisition into her vast dominions, a fatal gift which has clung to her successors like the shirt of Nessus. James II of England, tyrant, profligate, fanatic, and imbecile as he was, was honest in his religious convictions; for, as the jeering courtiers of Louis XIV said, when they met him in exile at St. Germain, he gave three crowns for a mass.

History abounds with such examples. The great historian of England, in speaking of the Master of Stair, the contriver of the brutal massacre at Glencoe, says:

"We daily see men do for their party, for their sect, for their country, for their favorite schemes of political and social reform, what they would not do to enrich or to avenge themselves. At a temptation directly addressed to our private cupidity, or to our private animosity, whatever virtue we have takes the alarm. But virtue itself may contribute to the fall of him who imagines that it is in his power, by violating some general rule of morality, to confer an important benefit on a Church, on a Commonwealth, on mankind. He silences the remonstrances of conscience, and hardens his heart against the most touching spectacles of misery, by repeating to himself that his intentions are pure; that his objects are noble; that he is doing a little evil for the sake of a great good. By degrees, he comes altogether to forget the turpitude of the means in the excellence of the end; and at length perpetrates, without one internal twinge, acts which would shock a buccaneer. There is no reason to believe that Dominic would, for the best archbishopric in Christendom, have incited ferocious marauders to plunder and slaughter a peaceful and industrious population; that Everard Digby would for a dukedom have blown a large assembly of people into the air; or that Robespierre would have murdered for hire one of the thousands whom he murdered from philanthropy."

Something like such a man, I fancy to be a celebrated northern philanthropist; able, religious, (according to his own standard,) and benevolent, whose very virtues are sometimes vices, and who lends his talents, character, and money to the accomplishment of purposes which, in his cooler moments, he could not himself contemplate without a shudder. From such considerations, we may arrive at the conclusion that nothing can be more dangerous than fanaticism in morals, in religion, or in politics; and that no man can be certain of being right, unless his actions are based on the eternal principles of justice and of truth.

The origin of the difficulties which now environ us, and threaten the violent disruption of our Government, may be traced back for many years; and, indeed, may be said to be coeval with the formation of the Constitution. In the beginning they were slight, and such as might have been naturally expected to arise after the organization of a new Government, whose powers were not yet clearly ascertained, extending over a wide range of territory; whose inhabitants, although derived mainly from a common stock, were by no means homogeneous, and operating upon complicated and, in many cases, diverse interests. Nothing, however, occurred seriously to endanger the Federal Government, or to paralyze its power, until 1812, when a *Democratic Congress*, with a southern President, declared war against the most powerful monarchy of modern times, not only to

resent repeated insults to the national flag, but to protect the peculiar interests of New England against the wanton and persistent aggressions of the British Crown. Then was heard for the first time this fearful cry of disunion; then, for the first time, was the authority of this Government derided and set at naught. It is well known—it is a matter of history—that during the administration of Mr. Jefferson a distinguished statesman of Massachusetts charged the dominant party of New England with a design to dissolve the Union and form a separate confederacy. And it is also well known that that same distinguished gentleman, when President, and a candidate for re-election, in 1828, with manly independence, not only emphatically reiterated the charge, but adds that that design was entertained for ten years, from 1804 to 1814; and further says:

“That project, I repeat, [of a northern confederacy,] had gone to the length of fixing upon a military leader for its execution.”

And what was the principal grievance of which they complained? Why, simply the acquisition of Louisiana.

The first disunion speech ever delivered in Congress was by Josiah Quincy, of Massachusetts, in relation to the Louisiana enabling act of January 14, 1811. He then said:

“I am compelled to declare it as my deliberate opinion that, if this bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations; and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation—amicably if they can, violently if they must.”

Those who feel curious on this subject are referred to a letter treating of these matters in the fullest detail, from John Quincy Adams, dated Washington, December 30, 1828, in reply to W. G. Otis and others, citizens of Massachusetts, to which I have briefly alluded, as I shall to some other matters, in no spirit of unkindness to any portion of the country, but as an historical illustration of some of the causes, more or less remote, which have led us to the brink of dissolution, and for the purpose of showing our New England brethren that this cry of treason, rebellion, and the enforcement of the laws, comes with an ill grace from that section of the Union.

Mr. Gallatin, one of the negotiators of the treaty of Ghent, in a long and interesting communication to Mr. Monroe, soon after the signing of the treaty of peace, amongst other things, says:

“It was the State of Massachusetts, the State by constituted authority, which, by virtual rebellion and sedition, thwarted the national Government, and encouraged the enemy.”—*1 Ingersoll, second series, vol. 2, p. 61.*

So far was this feeling of hostility carried, that a high Federal authority threatened that—

“On the 4th July, [1814,] if James Madison is not out of office, a new form of government will be in operation in the eastern section of the Union.”—*Federal Republican, 1814.*

Passing down to a later period—and I have time only to glance at the transaction—we find Massachusetts declaring, substantially, that, if Texas should be admitted into the Union, she would go out of it. Well, sir, Texas is *in*; and I suppose Massachusetts, according to her own resolve, is *outside*.

Then, again, we find her general court legislating a judge of the probate court, who happened to be a commissioner of the United States, out of office, because he

had executed the fugitive slave law. This same gentleman had previously been expelled from the chair of law professor at Harvard for the same offence. Not satisfied with this, she nullifies an act of Congress by passing what is called a personal liberty bill; the effect, and probably the intention, of which is to interrupt or prevent the execution of the fugitive slave law within her boundaries.

Some of the most eminent jurists of Massachusetts have pronounced the personal liberty bill as being in direct conflict with the act of Congress passed in pursuance of the Constitution; and yet, she obstinately refuses to repeal it, and still claims to remain in the Union. To carry out this determined resistance to the laws of the United States, and to exhibit by unmistakeable actions her hostility to the South, she commanded her lawyers not to engage in the service of a slaveholder in reclaiming his fugitive, under pain of being thrown over the bar and subjected to heavy penalties of fine and imprisonment. I am happy to say that this most odious provision has been repealed.

Mr. Justice Story, in delivering the opinion of the Supreme Court in the case of *Prigg vs. the State of Pennsylvania*, says, after grouping together the two provisions of the second section of the fourth article of the Constitution relating to the rendition of fugitives from justice and from labor:

“The clause manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law or regulation can, in any way, qualify, regulate, control, or restrain. The slave is not to be discharged from service or labor in consequence of any State law or regulation. Now, certainly, without indulging in any nicety of criticism upon words, it may fairly and reasonably be said that any State law, or State regulation, which interrupts, limits, delays, or postpones the right of the owner to the immediate possession of the slave, and the immediate command of his service and labor, operates *pro tanto* a discharge of the slave therefrom. The question can never be, how much the slave is discharged from; but whether he is discharged from any by the natural or necessary operation of State laws or State regulations. The question is not one of quantity or degree, but of withholding or controlling the incidents of a positive and absolute right.”

Here it will be seen that the highest legal tribunal in the land, one especially charged to pronounce judicially on all cases arising under the Constitution of the United States or of the several States of the Union, declares that any State law which interrupts, limits, delays, or postpones the right of the owner to the immediate possession of the slave, operates *pro tanto* a discharge of the slave.

Will any one undertake to say that the personal liberty bills of the northern States generally, however specious may be the reasons assigned for their adoption, do not hinder, interrupt, postpone, or delay the rendition of the slave to the claimant? Why, sir, the very purpose of those bills, as every one knows, was to throw obstructions in the way of the execution of the fugitive slave laws of the United States, passed under the authority of the Constitution, which says, not that “a person held to service or labor in one State under the laws thereof,” ought to be, or should be, or may be, “but shall be delivered up, on claim of the party to whom such service or labor may be due.” It is mandatory in its tone, and not recommendatory. If it were not intended to interrupt, limit, or in any way to interfere with the act of Congress for the reclaiming of fugitives from labor, why were these personal liberty bills enacted? And why are they not now repealed? Sir, we know well at the South that these bills effect the very purposes for which they were so cunningly devised.

But the distinguished gentleman from Ohio, the chairman of the committee of thirty-three, sometimes called “the committee of public safety,” says if these personal liberty bills are in conflict with an act of Congress, pronounced by the Supreme Court to be constitutional, they are *ipso facto* null and void. What cause,

then, he asks, "has the South to complain?" Is there nothing, sir, in the *animus* of these bills? Is there no cause to complain that they are sustained by public opinion in these States, and that all efforts to repeal them have been in vain, except in the solitary case of Rhode Island? We have been told, here and elsewhere, by the more moderate leaders of the Republican party, in excuse or in palliation of these personal liberty bills, and of the obstructions thrown in the way by mobs to the execution of the fugitive slave law, that that act of Congress was too rigorous in its exactions, and that it could not be effectually carried out, because it was in opposition to public opinion in some of the States; and we know that the leader of that party counseled resistance to the law. Well, sir, let us accept this explanation, and what then? Has it come to this, that the public opinion of the North will not permit the execution of an act of Congress, passed in pursuance of the very letter of the Constitution, and pronounced to be constitutional by the Supreme Court of the United States? If this be so, then your Government is powerless; nay, sir, if not already broken up, the sooner it is terminated the better.

But what a change has come over New England since the palmy days of the Puritan theocracy,* who held that the Church was the vice gerent of God on earth; that all Governments, so far from being based on universal franchise, were derived from the Almighty, and were oligarchical in substance. Following out these principles, they excluded from citizenship persons of inferior race, (Indians and negroes,) immoral and irreligious persons, (the test of which was non-communication with the Church,) and uneducated persons. Hence, they reduced the Indian and the negro to a state of vassalage. They held that, as the Israelites were commanded to enslave the gentile Canaanites, so were they commissioned to enslave the heathen Indian. Cotton Mather wrote an able essay to prove how much better it were to bring the African to a Christian country, as a slave, than to leave him to roam like a wild beast in his native land. It is asserted that President Styles, of Yale College—without the fear of the Maine liquor law before his eyes—shipped a barrel of rum to the coast of Africa, wherewith to pay for a negro. And the celebrated Jonathan Edwards, one of the greatest minds of his day and generation, insisted that the slave trade, properly conducted, tended to the civilization of the negro race. Besides these ecclesiastical authorities, in the celebrated case of *Winchenden vs. Hatfield*, (4 Massachusetts Reports, page 123,) Chief Justice Parsons judicially decided "that slavery was introduced into this country soon after its first settlement," and that during the Puritan Commonwealth "the slave was a chattel."

Believe me, sir, I do not refer to these circumstances with any, the slightest, disposition to disparage the Puritan fathers. They were a sturdy, and, in some respects, a noble race; and whatever may have been their faults and deficiencies, as viewed from our stand-point of to-day, I can but hold them in respect for their sincerity, their courage, and their manly independence of thought and action.

We are often told that the disturbance of our political affairs is a mere question of political power; and that the South, having failed to elect a President of its own choice, is now determined to subvert the Government. This sentiment has been repeated substantially by the distinguished gentleman from Ohio, the acknowledged leader of his party on this floor; but I have too much respect for his intellect to believe that this is his deliberate and well-considered opinion. In

* While Judge Story sums up the matter by saying "the civil government was constantly employed in support of the denunciations of the Church; and, without its forms, the inquisition existed in substance, with a full share of its terrors and its violence."

our political contests heretofore, we have witnessed much of bitterness and acerbity, which was always to be regretted and deplored, and yet they were often the mere excess of patriotic zeal, or the healthy effervescence of public opinion. Ever since the formation of our present Constitution, two great parties have, until recently, divided the country between them with varying success, differing primarily as to the powers conferred on the General Government by that instrument, and secondarily as to the foreign and domestic policy which it ought to pursue—the one almost necessarily involving the other. On such questions they differed widely, but in other matters they were perfectly agreed. They were equally national, equally devoted to the preservation of the Union, and alike anxious to secure its prosperity and to preserve its honor unsullied. The judicious of both parties felt that the questions at issue were of public policy alone, not touching the integrity of our institutions, and that with either in power the Union and the Constitution at least were safe. We have had fifteen Presidents, seven of whom were from the North; or, excepting Washington, who emphatically belonged to the *whole* country, they have been equally divided between the free and slave-holding States. And yet who ever heard a threat of disunion because a Chief Magistrate was selected from a particular portion of the Confederacy? Heretofore, the election of a President has never been considered as a sectional victory or defeat. States have been politically divided, and sometimes the candidate of one section has owed his elevation to power to the votes of another section. In the good old Whig and Democratic times, when a man's politics were not to be ascertained by astronomical observations, by parallels of latitude or meridians of longitude, northern and southern States were found acting together—New York with South Carolina, Pennsylvania with Virginia, Massachusetts with Louisiana, Illinois with Georgia, and New Hampshire with Alabama; but now, alas! section is arrayed against section; and, for the first time in our history, a President has been elected by a strictly geographical vote, on a strictly sectional issue. What could the Republicans believe, what did they expect, would result from such a policy?

No, sir, it is not true, that the election of the individual Abraham Lincoln has created this excitement in the South, and has driven six States into revolution, to be followed soon by others; but it was the election of the representative man; Mr. Lincoln, representing principles hostile to the rights, the honor, and the interest of the slave-holding States. It is, I believe, generally claimed by his friends that he is the author of the theory of "the irrepressible conflict," and that his thunder was stolen by another aspirant for presidential honors. It is a subject scarcely worth quarreling about; for a theory more unsound, unphilosophical, and unstatesmanlike, has seldom been advocated in modern times; it is, moreover, utterly untrue. The proposition of Mr. Lincoln is, as I understand it, that this Government cannot remain permanently part free and part slave; that it must become entirely free or absolutely slave. Does Mr. Lincoln contemplate it as a possibility, that slavery is to extend from the South northwardly?

Our Government has existed some seventy-four years. Within that period, what progress has slavery made in that direction? Has it gone north, or has it retreated south? I assume that, by this proposition, it is simply meant that the whole country must soon become free; and, taken in connection with his expression, that he "hates slavery as much as any Abolitionist," we can be at no loss to understand his intentions.

In my judgment, so far from there being an "irrepressible conflict" between free and slave labor, it is precisely the reverse; and the one is the complement of the other. Is it not the free labor of the Northwest that supplies the deficiencies

of the South, and mainly those of Cuba and Brazil, in breadstuffs and provisions; the free labor of Pennsylvania that furnishes iron for the railroads and other purposes of the South; and the free, hardy mariners of New England, who convey the great southern staple to market; and the free mechanics and operatives of the same region, who produce the various fabrics in leather, and wool, and cotton, and manufacture the machinery and agricultural implements used so extensively at the South? And is it not the slave labor that grows in the fertile fields of the South \$250,000,000 annually of agricultural productions, that in a great degree, regulates our foreign and domestic exchanges, pays for our importations, gives employment to our ships and factories, and to no small extent, meets the annual drain upon us for foreign loans contracted for the construction of works of internal improvement? No, sir; there is no conflict, "irrepressible" or otherwise, between slave and free labor, except that which is created by mischief-making politicians. The truth is, the greater the prosperity of one portion of the country, the better it is for all; and you cannot cripple the productive industry and commercial enterprise of any one section without inflicting injury on the whole Republic.

I have spoken of Mr. Lincoln as the representative man of the Republican party, and his friends will not object to that designation. I am aware that there are able, patriotic, and conservative men who supported him, and who repudiate many of the principles of the Chicago platform, and believe that he will rise above them. But of the vast numbers of those who voted for him, how few there are who do not indorse his own peculiar views, and who would not have given him their support if they had doubted his honest devotion to the ultra opinions of the party that placed him in nomination. Sir, disguise the matter as you may, the South regards, and I think justly, the election of Mr. Lincoln, with his well understood principles, and the antecedents of those who selected him as their candidate, as a declaration of hostility pronounced against them through the ballot-box by a large majority of the northern people. The great leader of that party has well said:

"Candidates may, and generally do, mean to act justly, wisely, and patriotically when they shall be elected; but they become the ministers and servants, not the dictators, of the power which elected them."

Much stress has been laid on the fact that Mr. Lincoln was elected according to the forms of the Constitution. No one denies that; but he must needs be an unobservant reader of history who does not remember that governments have been perverted or subverted, whilst the forms of their constitutions have been preserved. When Augustus changed the simple military title of imperator into that of a sovereign prince, there continued to be a senate, consuls, and tribunes of the people; and the ensign still bore the inscription of the better days of the Republic, "*Senatus, populusque Romani.*"

To understand the principles of a party, we must not only look to its platform, but to the contemporaneous expositions of them by its founders and prominent leaders.

The Whig party, in 1848, although successful in the ensuing election, promulgated no platform; and this example was followed, but not with the same result, by the Union party, in 1860. Will it, therefore, be said that they had no political principles? In the same speech of Mr. SEWARD, from which I have already quoted, it is asserted that "a party is, in one sense, a joint stock association, in which those who contribute most direct the action and management of the concern!" Surely, none have contributed more to the triumph of the Republican party than Mr. SEWARD himself, and Greeley, Sumner, Wendell Phillips, Garri-

son, Fred. Douglas, and others of the same Abolition school. Who, then, have a better right than they to expound its principles, and to direct its policy?

The distinguished Senator from New York, on whose shoulders rests a fearful responsibility, and who, in his love of notoriety, emulates "the ambitious youth who fired the Ephesian dome," tells a public meeting in Cleveland, "slavery must be abolished; and you and I can and must do it." Now, sir, I understand this to be the distinct assertion of a right on the part of the speaker and his audience to interfere with slavery in the southern States. If not, it is meaningless. I am aware that Mr. SEWARD subsequently explains that he does not contemplate the accomplishment of that object by force or by unconstitutional measures. But I fancy that the meeting must have been sorely puzzled to know how they were to assist the Senator in his crusade, if they had no right to interfere in the premises. After appealing to their prejudices, after inflaming their passions against the South, he says to them, in substance, but, *my gentle friends, do no violence!* And so, Mark Antony, when he had stirred up the citizens of Rome "to a sudden flood of mutiny;" when he had excited them to deeds of burning, of plunder, and of murder, exclaims, with well feigned astonishment,

"Why, friends, you go to do you know not what!"

And when they quitted him, threatening "with brands to fire the traitors' houses," soliloquizes, as might have done the Senator from New York, when alone—

"Now let it work: Mischief, thou art afoot,
Take thou what course thou wilt!"

But, look at the Chicago platform—moderate, as in some respects it is, and it seems to me that no candid man can read its second article without coming to the conclusion that it was intended as a direct appeal to the Abolitionists for support; and we all know that it produced that effect.

Mr. Speaker, these are not the times for "common places and glittering generalities." It is no time for the political trumpet to give an uncertain sound. It is no time to trifle with the credulity of the people. It is all very well to protest "devotion to the Constitution, to the Union, and to the enforcement of the laws." Why, sir, all parties have united in these protestations, except the Abolitionists of the Garrison school, who pronounce "the Union to be a compact with hell and a league with the devil." Why, sir, the hosts of the Republican party join in the chorus of hallelujahs to the Constitution and the Union, and tell us that they claim nothing but what the Constitution grants, *as they understand it*; and that they are so devoted to the Union that it must be maintained, if needs be, by *force*. And yet, what do they propose to do when they come into power? I gather from the teachings of their pulpits and presses, from the lectures of their orators, and from the speeches on the floors of Congress, and before the people during the recent presidential canvass, and the Republican party is pledged, so far as it may possess the power, to carry out the following line of policy, which is, as I understand it, the accepted policy of the great mass of that political organization: to prohibit slavery in the Territories, notwithstanding the decision of the Supreme Court that Congress possesses no such power. On this subject, Mr. Lincoln admits that "the courts have substantially said it is your constitutional right to take slaves into the Federal Territories, and hold them as property;" and yet he, the President elect, repudiates that decision as binding on Congress or the Executive, and hopes it will be reversed on more mature consideration, or by a reorganized court. He

says, and it is creditable to his candor, that he waives the lawyer's distinction between *dictum* and decision.

Sir, the court decided nothing that was not properly before it in the case of Dred Scott. Whoever will carefully and fairly read the opinions of the court in that case, cannot fail to discover that the main, the elaborate arguments of the court, were directed, not to the mere question of their jurisdiction over the case, (which was summarily disposed of,) but to the other and more important issues which were brought before it, and argued by the learned and distinguished counsel engaged in the trial. It is obvious, at least to my mind, that the court undertook to decide no points of law not properly before it; and that in its opinion, pronounced by the Chief Justice, there can be found no *obiter dicta*. But let us suppose, for the sake of argument—and I grant it only for that purpose—that you may find *obiter dicta* in its decisions, it is at least the opinion of the Supreme Court of the United States; and he must needs be a bold man and a presumptuous one, who will undertake to interpose his own legal opinions in opposition to those of the venerable Chief Justice, a man distinguished through a long life for his simplicity of manners, purity of morals, high-toned character as a gentleman, and legal attainments; and whose intellectual faculties (although eighty-four years have passed over his head) remain in all their original power and vigor. Heaven grant that this patriotic statesman and upright magistrate may be spared to us for many years.

Sir, had it been my fortune to be a lawyer, had it been my lot in life to spend the greater portion of it in trying cases before county courts, I might have had some legal opinions of my own to oppose to those of the Supreme Court of the United States; but as a mere citizen, and as a representative of the people, it is sufficient for me to know the opinions expressed by the highest judicial tribunal of our country, without undertaking to investigate the differences between its decrees and its *dicta*, to bow to them, as I do, with respect and veneration.

It is a settled dogma of the Republican party that no more slave States are to be admitted into this Union. Thus not only superadding to the conditions prescribed by the Constitution of the United States for the admission of new States, which only requires that their constitutions shall be republican in form, but it strikes at the very theory of a confederated government, which is necessarily based on the equality of sovereign States—a principle universally recognized by the law of nations. In New York slavery once existed; but in the exercise of her undisputed sovereign rights, she abolished it. But by the exercise of the same powers, she may reestablish it to-morrow. If you should admit a new State into the Union on the condition precedent of an anti-slavery form of government, is she on an equal footing with the other States who have formed their domestic institutions in accordance with the wishes of their people? Suppose a State should be brought into the Union under such conditions, and should immediately afterwards establish slavery, would you expel her from the Confederacy?

It has also been proposed by prominent Republicans to interdict the slave trade between the States, to abolish slavery in the District of Columbia, and in all forts, arsenals, and navy-yards within the southern States, and to reform the Supreme Court by ousting as many of the present judges as had the manliness and independence to decide a case in a manner not acceptable to their party. And all these things are to be done, they tell us, under the Constitution, as they understand it. Some go even further, and declare that the Constitution itself is anti-slavery, and confers the power on Congress to abolish slavery in the States.

Sir, it is this fell spirit of abolitionism, conjured up from its dark dwelling place, by prominent statesmen and the self-called ministers of God, and which

nas so strongly possessed the mind of the North, that has created all our difficulties. Why, sir, I might occupy my allotted hour in quoting from their speeches, lectures, and sermons, and newspaper editorials. I will, therefore, confine myself to a few.

Mr. WADE, now a Senator from Ohio, said :

“He thought there was but one issue before the people, and that was the question of American slavery. He said the Whig party is not only dead, but stinks. It shows signs occasionally of convulsive spasms, as is sometimes exhibited in the dead snake’s tail after the head and body have been buried.”

I ought perhaps, Mr. Speaker, to apologize to the House for even quoting such language, and nothing but the political position of the person who used it would justify its repetition here or elsewhere. And again: the same person, on another occasion, expressed the following sentiment :

“There was really no Union now between the North and South, and he believed no two nations upon the earth entertained feelings of more bitter rancor towards each other than these two sections of the Republic. The only salvation of the Union, therefore, was to be found in divesting it entirely from all taint of slavery. There was no Union with the South. Let us have a Union, said he, or let us sweep away this remnant which we call a Union.”

And Mr. WILSON, Senator from Massachusetts, says :

“I am in favor of relieving the Federal Government from all connection with, and responsibility for, the existence of slavery. To effect this object, I am in favor of the abolition of slavery in the District of Columbia, and the prohibition of slavery in all the Territories.”

And Mr. SEWARD says :

“Slavery is not and never can be perpetual. It will be overthrown, either peacefully and lawfully, under this Constitution, or it will work the subversion of the Constitution, together with its own overthrow.”

Adopting the illustration, with a slight change of language, from one of our most eloquent historians, “As on the shining plains of Sicily, when the sun is rising, the vast pyramidal shadow of Mount Etna is definitively and visibly projected—the phantom of that ever-present evening, which holds fire and devastation in its bosom—so the shadow of abolitionism is cast from afar across the smiling fields of the sunny South—a spectre menacing fiercer fires and wider desolation than any mere physical agencies could accomplish.”

Mr. Speaker, it is the impression made on the public mind of the South by the pretensions, to which I have briefly alluded, urged by many leaders of the now dominant party, and the belief that a feeling of deep-rooted hostility exists at the North against the persons, the interests, and institutions of the South, that have produced the unhappy condition of *affairs which threatens to break up our Government*.

The eloquent gentleman from the twentieth congressional district of New York, a few days ago, used the following language :

“It is charged upon the North, sir—and I am going to continue to speak with great frankness upon this subject—it is charged upon the North that at the fireside, on the pavement, in the school-house, slavery is held to be a moral, social, and political evil. The charge is true, sir; every word of it. A large majority of the people of the North, no matter of what political party, look upon slavery as an insatiate master. They do not see it in its patriarchal aspects; but they see an iron-heeled, marble-hearted oppressor, demanding always three victims—the slave, the master, and the land!”

If this statement be true, and I have long suspected that it was, then this Government cannot long hold together, under any contingency. The people of the North and South cannot remain united in a confederated and fraternal Government. But if these assertions are untrue, if you entertain no such projects, and if this feeling of hostility has no existence, disabuse the southern mind, by some *authoritative* declaration of your intentions and future policy. Do this, and the tempest will be stilled, the dark clouds that now lower over an unhappy land will be dispelled into thin air, and the sun of tranquillity and prosperity again shine out upon us in its former splendor, scattering "healing" in its beams.

The southern people are generous and confiding, and will lend a willing ear to words of peace and friendship. But they must not be the words that fell from the lips of Joab when, taking Abner aside peaceably, he smote him under the fifth rib. It must not be the peace that the wolf shows to the lamb. It must not be the peace meant by the Emperor Nicholas, when having trampled out under his iron heel, the last spark of liberty in Poland, he dictated his celebrated dispatch, "Order reigns in Warsaw." It must not mean the peace understood by the chairman of the Judiciary Committee, when he threatened to precipitate eighteen million people on eight million, to render the South a solitude and a desert.

Sir, we of the South beg of the North no favors, ask no concession. We simply ask for our rights under the Constitution. Give us these and we are content. We will not quarrel with you about the mere election of a President.

In this connection, I will say, in order that my position may not be misunderstood, that I believe the Crittenden resolutions would be satisfactory to Maryland as a reasonable basis for the adjustment of existing difficulties by a constitutional convention of the States; that we cannot accept the construction placed by the Republican party on the power of Congress to interfere with slavery in the Territories; and that it is no argument with us that the right to carry slaves into the present territory of the United States is an *abstraction*, (as practically it may be,) for the reason that we believe that the Constitution confers that right upon us, and that we cannot be deprived of it by legislative action. If it be an abstraction with us, is it not one also with you? If it be true, as you have so satisfactorily proved, that slavery cannot and will not be introduced into any of the Territories of the United States, why do you insist that it shall not go there? But we have a stronger reason. We hold that it is a dangerous doctrine to regard any constitutional provision as a mere abstraction, to be violated at the pleasure of Congress.

I have always believed, and still believe, that a united South is perfectly able to assert and to defend its rights in or outside the Union; and, for one, would have preferred that the contest should have been waged within the Union; but that was a matter I could not control. Unfortunately, there is no united South, and attempts are making to drive us still further asunder. Let me warn the border slave States against the cunningly-contrived scheme for separating us from the "cotton States," for we are essentially one people, with a common interest, "bone of their bone, and flesh of their flesh." It is a common device of the enemy "to divide and conquer." This effort to divide us is a delusion and a snare. It was thus the devil, "squat like a toad," poured his "leprous distillment" into the ear of our mother Eve. For one, I take my stand on the Constitution and the rights of the South, and will not "bend the pregnant hinges of the knee that thrift may follow fawning."

As it regards the oft-repeated warning from the other side of the House, and sometimes hinted at on this side of the Chamber, that in case of the separation of the States, we should lose the inestimable boon of the fugitive slave law, which

has effectually protected our property, I have only to say that I believe our rights could be better protected by treaty stipulations than by constitutional obligations. The northern people seem to think that, by some occult and mysterious operation of the Government, they are, somehow or other, responsible for the existence of slavery. If we should peaceably separate, their tender consciences will be relieved from the weight of the sin that now bears so heavily upon them.

We hear much of the obligation imposed on the President by his oath of office to see that the laws are faithfully executed. This is all very well; but let us inquire what is meant by the execution of the laws, and how they are to be enforced.

The construction of law is one thing—the execution of it is another. The Constitution does not confer this prerogative on the Chief Magistrate, of construing the laws, unless it be, perhaps, in cases of political power; but devolves that duty on a co-ordinate branch of the Government. When the Federal courts are powerless to enforce their decrees; when the marshal with his civil posse, (as in the case of the fugitive Burns, in Boston,) cannot execute a process of the courts, and is resisted by a mob that threatens to overpower him in the discharge of his duty, then the executive arm is invoked, with all the physical force with which it is invested, to see that the laws are carried into effect. But he cannot assume that duty at his discretion, nor can he undertake to overrule the decisions of the judiciary.

Many of the Kings of England, down to the last of the Stuarts, claimed to dispense with the laws of the realm, to override the decisions of the judges, or to enforce the laws according to their own good will and pleasure, regardless of the opinions of the courts. I trust we shall see no such pretensions advanced in our country, without rebuke.

It is contended that the President is bound to collect the revenue in the ports of South Carolina, notwithstanding her withdrawal from the Union; and that he must see that our revenue laws are faithfully executed within her waters, if needs be, by physical force, by the Army or the Navy, at his discretion; and it is understood that a collector has been, or will be appointed, to collect the customs in Charleston harbor, assisted by armed vessels placed at his disposal for that purpose. Where does he find authority for these proceedings? For his summary process of executing the laws? It may be well to consult the law on the subject. I will read from Brightly's Digest of the Laws of the United States, page 411, sections three hundred and ninety-three and three hundred and ninety-four:

“All penalties accruing by any breach of this act, shall be sued for, and recovered with costs of suit, in the name of the United States of America, in any court competent to try the same; and the trial of any fact which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued; and the collector, within whose district the seizure shall be made, or forfeiture incurred, is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is moreover authorized to receive from the court within which such trial is had, or from the proper officer thereof, the sum or sums so recovered, after deducting all proper charges to be allowed by the said court; and on the receipt thereof, the said collector shall pay and distribute the same without delay, according to law, and transmit quarter-yearly to the Treasury an account of all moneys by him received for fines, penalties, and forfeitures, during such quarter.

“And all ships or vessels, goods, wares, or merchandise, which shall become forfeited in virtue of this act, shall be seized, libelléd, and prosecuted as aforesaid, in the proper court having cognizance thereof; which court shall cause fourteen days' notice to be given of such seizure and libel, by causing the substance of said libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and also by posting up the same in the most public manner, for the space of fourteen

days, at or near the place of trial; for which advertisement a sum not exceeding two dollars shall be paid; and proclamation shall be made in such manner as the court may direct; and if no person shall appear and claim any such ship or vessel, goods, wares, or merchandise, and give bond to defend the prosecution thereof, and to respond the costs in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law."

Now, I should feel greatly obliged to any gentleman "learned in the law" if he would inform us how any penalties incurred by this act are to be enforced, and how vessels, goods, wares, and merchandise, which may be liable to forfeiture under the revenue laws, are to be seized, libeled, and forfeited, except as specially provided for by this act of Congress? You have no Federal district judge, no district attorney, no United States marshal, in South Carolina. How then will you proceed? Will it be by court-martial, or will the whole matter be left to the discretion of the collector, under instructions from the Secretary of the Treasury? Why, sir, a collector has no right to hold a vessel that he has seized longer than he has time to notify the fact to the district attorney, when, under an order of the court, she must be turned over to the custody of the marshal.

The three hundred and ninety-fifth section of the same act reads as follows:

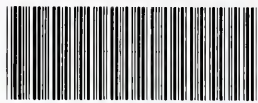
"And upon the prayer of any claimant, to the court, that any ship or vessel, goods, wares, or merchandise so seized and prosecuted, or any part thereof, should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares, or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares, or merchandise, so prayed to be delivered, are appraised; and moreover produce a certificate from the collector of the district wherein such trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares, and merchandise, or tonnage duty on the ship or vessel so claimed have been paid or secured in like manner, as if the goods, wares, or merchandise, ship or vessel had been legally entered, the court shall, by rule, order such ship or vessel, goods, wares, or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court, and if judgment shall pass in favor of the claimant, the court shall cause the said bond to be canceled; but if judgment shall pass against the claimant, as to the whole or any part of such ship or vessel, goods, wares, or merchandise, and the claimant shall not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such ship or vessel, goods, wares, or merchandise so condemned, with the costs, judgment shall and may be granted upon the bond, on motion in open court, without further delay."

Will any one tell us how, under the foregoing section, the fact of the forfeiture of ships and merchandise is to be decided; and how the rights of claimants are to be secured within the territory of seceding States? Are all the questions to be settled, not by the judiciary as provided for by law, but by the Executive, who must usurp authority if he undertakes to enforce the laws under existing circumstances? Nor can Congress invest the President with these powers, for the reason that they are essentially judicial, and forbidden by the Constitution.

And again: to further illustrate the utter absurdity of this pretension to enforce the laws in this particular instance, let us view it in another phase.

It is well known that the revenue officers collect the customs under instructions from the Treasury Department. Under our complicated tariff system, nice questions frequently arise; and if the importer thinks himself aggrieved, he brings suit against the collector in the district court of the United States having jurisdiction over the collection district in which the alleged illegal customs are received; and very often the court reverses the construction of the Secretary of the Treasury. Now, if the Executive undertakes to enforce the revenue laws in South Carolina, without regard to the judiciary, what check is there on the exactions of the collector, or on even the most obviously illegal construction of the laws by the head of the Treasury Department? And what remedy has the unfortunate importer against the cupidity or rapacity of the revenue officers of the Government?

Sir, in my judgment, the President cannot undertake to collect the customs in South



Carolina without trampling under foot the judiciary, the laws, and the Constitution itself. But I have too much confidence in the sound judgment and patriotism of our venerable Chief Magistrate to believe that he really intends to pursue the course that has been indicated.

It may be said, as it has been asserted, that the President may, if necessary, proclaim martial law in a seceding State; but I can find nowhere in the Constitution that that power has been conferred on any department of the Government. It is true, however, that Congress may suspend "the privilege of the writ of *habeas corpus* in cases of rebellion or invasion, when the public safety may require it."

As it regards the right of a State to withdraw from the Confederacy, it may be admitted that the Constitution provides for no such contingency. The founders of all Governments, however ephemeral they may prove to be, contemplate their perpetuity, and cannot recognize an inherent principle of dissolution. Ours hoped, and no doubt believed, that the Government they were about to establish would be a permanent one, consolidated and strengthened by time, and rendered perpetual by its justice and the protection it would afford to every portion of its people. They did not foresee that it might, by the madness of party and the insolence of power, be wrested from its beneficent purposes and converted into an instrument of injustice and oppression. It must also be borne in mind that most of the members of the convention who formed our Constitution were active participants in the Revolution, and we can scarcely suppose that they were willing to brand themselves as traitors because they resisted the aggressions of the British crown; that they denied the right of the colonies to revolt; or that they repudiated the declaration that "when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them (the people) under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

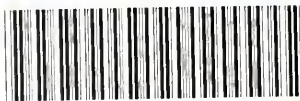
In the eloquent appeals which are daily made on this floor to save the Union, it seems to be forgotten that the Union is a mere compact between States; that it existed under the old confederacy; that it may exist under any form of government; under a military dictatorship or a monarchy, and be held together by physical force. It is the present Constitution of the Government in all its integrity that gives it value; that forms the foundation of which the Union is the superstructure. So long as the foundation is secure and free from crack or flaw, we need feel no uneasiness about the building erected on it. The lightning may strike it, or the tempest unroof it, or the hand of man impair its walls, and the injuries may be repaired; but if the foundation be undermined, although the superstructure may have been raised with care and built on arches of stone, and the whole held together by bolts of steel and rods of iron, it cannot resist the first blast of the hurricane, but will topple into ruins.

As it regards the policy of coercing States to remain in the Union, nothing can be added to the forcible language of Andrew Jackson, in his farewell address:

"The Constitution cannot be maintained nor the Union preserved by the mere exertion of the coercive powers confided to the General Government. The foundation must be laid in the affections of the people; in the security it gives to life, liberty, character, and property in every quarter of the country: and in the fraternal attachments which the citizens of the several States bear to one another as members of one political family, mutually contributing to promote the happiness of each other: hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and should frown upon any proceedings within their own borders likely to disturb the tranquillity of their brethren in other portions of the Union."

Sir, I profess to be a sincere lover of the Union, as we received it from our fathers, and yield to no one in my devotion to it, as I have endeavored to show by every act of my life. Few men can comprehend the bitterness of the agony with which I contemplate the mutilation of that glorious flag under whose folds I was reared, and which I have followed in the melee of the battle.

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